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October 5, 2012

*Via Email: lmicca@msn.com
and U.S. Mail*

Louis J. Micca, Esq.
11 State Street
Pittsford, NY 14534

Re: Samuel Roberts v. Los Alamos National Security, LLC, et al. v. University of Rochester

Dear Lou:

We have reviewed your correspondence of September 27, 2011, suggesting that Defendant Los Alamos National Security, LLC in some way has failed to comply with the Court's prior Discovery Order in this matter. However, there appears to be no basis for your threat of a motion for contempt of court. Each decretal item of the Court's Discovery Order has been satisfied. Further, to date, you have never requested any specific electronic searches be conducted. If you would like to propose search terms for additional discovery, we would be willing to cooperate with reasonable requests and coordinate any necessary electronic searches using reasonable specific search terms, subject to review for privilege.

Our client will not be producing an affidavit indicating that documents are no longer reasonably accessible, because as the prior affidavit submitted to the Court reflects, documents are reasonably accessible either through a manual search or via electronic means.

Please feel free to submit any requests you wish, and we will continue to provide you with substantive responses to discovery.

Very truly yours,

WOODS OVIATT GILMAN LLP



Beryl Nusbaum

BN/alb

cc: Eric J. Ward, Esq.
David Rothenberg, Esq.
Christine Tramontano, Esq.